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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,380	02/17/2004	Young H. Kim	CL2207USNA1	1816

23906 7590 06/21/2005

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EXAMINER	
RAYFORD, SANDRA M	
ART UNIT	PAPER NUMBER
1772	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/780,380	KIM ET AL.	
	Examiner	Art Unit	
	Sandra M. Nolan-Rayford	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-7 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2-17-04 + 4-26-04.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

S.M. Nolan-Rayford 6-18-05

DETAILED ACTION

Claims

1. The claims pending in this application are claims 1-7.

Information Disclosure Statement

2. The information disclosure statements (IDS's) submitted on 17 February 2004 and 26 April 2004 were considered by the examiner.

Title

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

ARTICLES MADE FROM POLYUREAURETHANE DISPERSIONS.

Summary of Base Claim

4. The base, or independent, claim of this application is claim 1. It can be summarized as follows:

Claim 1 covers an article made from a polyureaurethane aqueous dispersion. Note: A "polyureaurethane" is deemed to mean a polymer containing linkages produced from conventional polyurea- and polyurethane-forming reactants.

Specification

5. The disclosure is objected to because of the following informalities: the term "THF" (recited at page 4, line 20 of the specification) is not defined in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 1-7 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the specification at page 4, lines 19-22. In that passage, applicants have stated that the polymers in their dispersions must be made from THF-based materials, and this statement indicates that the invention is different from what is defined in the claim(s) because the claims do not call for the use of THF-based materials.

Also, please note that the specification has been objected to for failing to define "THF" with specificity.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lipkin et al (US 5,998,540).

Lipkin was cited in an IDS.

Lipkin teaches the dipping of forms into coagulant bath, followed by dipping in polyurethane dispersion (col. 6, lines 38-49). The Lipkin polyurethane dispersions are

aqueous (abstract) and are used to make gloves (col. 1, line 37). Its polyurethanes are derived from polyols, isocyanates and amine-functional extenders (col. 3, lines 4-10).

The polyurethane art is well aware than isocyanates react with amines to yield urea linkages and that isocyanates react with polyols to yield urethane linkages.

The properties recited in claims 2 through 6 would be inherent in the gloves of Lipkin because they are made using the same polyureaurethane dispersions that applicants use.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderle et al (abstract of WO 02/08327A1) in view of applicants' admission at page 4,lines 19-35.

Anderle was cited in an IDS.

Anderle teaches gloves made from aqueous polyurethane dispersions (abstract, first and penultimate lines). Use of such dispersions is less hazardous than solvent-based dispersions when making gloves (lines 8-10 of the abstract). It fails to teach the polyureaurethanes recited in applicants' claims.

The admission states that stable aqueous polyureaurethane dispersions having "wide utility" have been known since 1996 (see especially lines 19-20 and 29).

Anderle and the admission are analogous because both deal with polyurethane dispersions.

It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the dispersions discussed in the specification to make the gloves of Anderle from the dispersions of the specification in view of the dispersions' wide utility.

The motivation to employ the stable aqueous polyureaurethane dispersions described in the specification in Anderle's gloves and processes is found in the Anderle abstract, where the use of aqueous dispersions is said to be less hazardous than solvent-based ones.

It is deemed desirable to make gloves via processes that are less hazardous in order to address environmental/labor concerns in manufacturing.

In the absence of convincing objective evidence to the contrary, the use of coagulants is deemed an obvious step in the making of gloves via conventional dipping operations.

The properties recited in claims 2-6 are deemed latent properties in gloves suggested by the combined teachings of Anderle and the admission.

Double Patenting

12. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

13. Claim1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of copending Application No. 10/700,859 ("the '859 application") in view of Anderle.

The '859 application shares an inventor with this application.

This is a provisional obviousness-type double patenting rejection.

The '859 application, in claim 19, covers polyureaurethane dispersions. It fails to claim articles made therewith.

Anderle is discussed above.

The '859 claim and the Anderle publication are analogous because both deal with polyurethane dispersions.

It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the dispersion of the '859 application to make the gloves of Anderle in order to lessen manufacturing hazards.

The motivation to employ the dispersions of the '859 application to make the gloves of Anderle is found in lines 8-10 of Anderle's abstract, where aqueous dispersions are said to lessen hazards.

It is deemed desirable to make gloves via processes that are less hazardous in order to address environmental/labor concerns in manufacturing.

14. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. SN. 10/701,317 ("the '317 application") in view of Anderle.

The '317 application shares an inventor with this application. It has been published as pre-grant publication US20040171745.

This is a provisional obviousness-type double patenting rejection.

The '317 application, in claim 19, covers polyureaurethane dispersions. It fails to claim articles made therewith.

Anderle is discussed above.

The '317 claim and the Anderle publication are analogous because both deal with polyurethane dispersions.

It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the dispersion of the '317 application to make the gloves of Anderle in order to lessen manufacturing hazards.

The motivation to employ the dispersions of the '317 application to make the gloves of Anderle is found in lines 8-10 of Anderle's abstract, where aqueous dispersions are said to lessen hazards.

It is deemed desirable to make gloves via processes that are less hazardous in order to address environmental/labor concerns in manufacturing.

Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan-Rayford, at telephone number 571/272-1495. She can be reached Monday through Thursday, from 6:30 am to 4:00 pm, ET.

If attempts to reach the examiner are unsuccessful, contact her supervisor, Harold Pyon, at 571/272-1498.

The fax number for patent application documents is 703/872-9306.

S. M. Nolan-Rayford
Primary Examiner
Technology Center 1700

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